

Appl. No. 10/707,559  
Amdt. dated June 3, 2005  
Reply to Office action of May 4, 2005

**REMARKS/ARGUMENTS**

**1. Election/Restriction**

The application contains claims directed to the following patentably  
5 distinct species of the claimed invention:

Species I: the specifics being an in-plane switching mode liquid crystal  
display wherein a longitudinal axis of the liquid  
crystal molecules is positioned along a second  
10 direction and is horizontally arranged between the  
upper surface of the bottom substrate and lower  
surface of the top substrate, and an angle is formed  
between the second direction and the first direction,  
claims 1-16;

15 Species II: the specifics being an in-plane switching mode liquid  
crystal display wherein when a voltage is applied  
between the first electrode and the second electrode,  
a longitudinal axis of the liquid crystal molecules is  
20 positioned along a third direction which is  
substantially perpendicular to the first direction,  
claims 17, 18.

If group I is elected this application contains claims directed to  
25 patentably distinct sub-species:

A: the specifics being a polarized direction of the first polarizer is

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parallel to the second direction and a polarizer direction of the second polarizer is perpendicular to the second direction; claim 3;

5 B: the specifics being a polarized direction of the first polarizer is parallel to the second direction and a polarizer direction of the second polarizer is perpendicular to the second direction, claim 4.

Applicant is required under 35 U.S.C.121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted  
10 if no generic claim is finally held to be allowable. Currently, no claim is generic.

**Response:**

15 Applicant hereby elects species I and sub-species A in response to the above restriction requirement. The claims readable upon the elected species are claims 1-3, and 5-16. Also, claim 3 has been amended to correct a typographical error only, to facilitate prosecution. No new matter is introduced.

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**2. Request for reconsideration of the restriction requirement under 37 CFR 1.143.**

Applicant believes that the present application does not need a  
25 sub-species election. Species A (defined by claim 3) of the present application discloses a disposition of the first polarizer and the second polarizer. And species B (defined by claim 4) discloses another disposition of the first polarizer and the second polarizer. The spirit of the disposition disclosed in claim 3 and claim 4 is the perpendicular relation between the

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first polarizer and the second polarizer. There is no conflict between claim 3 and claim 4 based on the reason described above. Such set of perpendicular polarizers has already been disclosed in U.S. patent no. 6,876,418.


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In addition, applicant argues that claim 1 is the generic claim on which both claim 3 and claim 4 depend. Therefore, the applicant believes that sub-species A and sub-species B of the present application should be grouped together and should not be patentably distinct. Reconsideration of this sub-species restriction requirement is hereby requested.

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Sincerely yours,

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